

JUDITH L. CORLEY
(202) 434-1622

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607 Fourteenth Street N.W.
Washington, D.C. 20005-2011
PHONE: 202.628.6600
FAX: 202.434.1690
www.perkinscoie.com

BY FACSIMILE (AND REGULAR MAIL)

Jeff S. Jordan
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5427 – Linda Pritzker

Dear Mr. Jordan:

We represent Linda Pritzker. This is in response to the complaint filed by the Bush-Cheney '04 campaign against The Media Fund. The complaint is without merit with respect to Ms. Pritzker and should be dismissed.

Ms. Pritzker is named in the complaint solely in her capacity as a donor to a joint fundraising committee – Joint Victory Campaign – that subsequently distributed certain funds to The Media Fund. The complaint alleges that (a) The Media Fund should be deemed a federal political committee that is operating unlawfully and (b) Ms. Pritzker and the other donors to the Joint Victory Campaign *may* have violated federal election laws *if* they "knowingly and willfully contributed illegal soft money for the purpose of influencing a federal election" – *i.e.*, they knew their donations would be sent to organizations that in fact were operating unlawfully and they knew that such organizations would use these funds unlawfully.

The complaint fails on several levels. The complaint provides no basis to find that The Media Fund should be treated as a federal political committee or was otherwise operating unlawfully. We understand that the Federal Election Commission ("FEC") is in the process of drafting regulations to address whether organizations such as The Media Fund should be considered political committees. Given the present uncertainty, the complaint's allegation that The Media Fund is operating as a political committee in violation of FEC regulations is absurd. Current FEC regulations provide clearly that an entity that is not registered with the FEC, like The Media Fund, may participate in a joint fundraising committee. 11 C.F.R. § 102.17(a)(1)(i). The regulations further provide that a fundraising representative (such as the Joint

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Victory Campaign) may distribute funds that are "not lawful" under federal election law (such as funds from an individual in excess of certain limits) to those entities that may lawfully accept them (such as The Media Fund). 11 C.F.R. §§ 102.17(c)(4)(ii), 102.17(c)(6)(iii). (We understand that The Media Fund will respond in more detail on these issues, and thus we incorporate The Media Fund's response here.)

Even if The Media Fund were to be deemed a federal political committee (which it should not be), the complaint provides no basis to assert that Ms. Pritzker donated funds to the Joint Victory Campaign with the knowledge that her contribution would be used for anything other than lawful purposes. Indeed, Ms. Pritzker believed that her donation to the Joint Victory Campaign was entirely consistent with the FEC's regulations. At the time of her donation, she believed The Media Fund (which was one of the recipients of her donation) was operating in accordance with the campaign finance laws and that her donation would be used in a lawful manner.

It is clear from the press release and news reports surrounding the Bush-Cheney '04 campaign's filing of this complaint that it was filed for strategic, political purposes. The Commission should not become the political pawn of one of the players in the upcoming election by pursuing this specious complaint against Ms. Pritzker. Ms. Pritzker respectfully requests that the complaint be dismissed.

Very truly yours,



Judith L. Corley
Counsel to Linda Pritzker

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